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MASTER AND SERVANT—DUTY TO PROVIDE SAFE PLACE FOR WORK EXTENDS TO APPROACHES—CONTRIBUTORY NEGLIGENCE.—The defendant company, engaged in mining iron ore, had built tracks, laid in tunnels, leading to the different levels from which the ore was taken. In conveying the ore from the mine, the empty cars were taken in with an engine, and after being loaded they were later allowed to run down the slopes by gravity. These cars were started down the slopes at or soon after the time the laborers quit their work. The employees were in the habit of walking along the path of the track because the spaces on the side of the track were rocky, filled with holes, and generally dangerous. The plaintiff was walking on one of the tracks after quitting work and stepped from the track to the side to avoid loaded cars passing by at that time. After the cars had passed, afraid of injury from a hole on the side of the track, the plaintiff returned to the track, and was struck by a detached car, some distance behind the others, which was without lights or any one on it. The plaintiff brought an action for damages. *Held*, the defendant is liable. *Elliott v. Cranberry Furnace Co.* (N. C.), 101 S. E. 611.

There is no principle of law better established than that which requires the master, in the exercise of reasonable care, to provide for his employees a safe place to perform their labors. *Norris v. Holt-Morgan Mills*, 154 N. C. 474, 70 S. E. 912; *McGuire v. Bell Telephone Co.*, 167 N. Y. 208, 60 N. E. 433. But where the employee knows the conditions under which he is to work and the attendant dangers, there can be no recovery. *Baltimore, etc., R. Co. v. State*, 75 Md. 152. See 1 VA. LAW REV. 573; 3 VA. LAW REV. 245.

It also seems to be the rule that the employer must provide safe approaches by means of which the employee can go to and from his work. Thus, where an employer allowed snow and ice to accumulate on a plank boardwalk maintained for the benefit and accommodation of employees, rendering it dangerous to travel, it was held that the employer was negligent. *Urquhart v. Smith & Anthony Co.*, 192 Mass. 257, 78 N. E. 410. A railway company was held to be negligent in permitting a hole to remain in a floor over which employees were to pass in the prosecution of their work. *Burke v. Manhattan R. Co.*, 109 App. Div. 722, 96 N. Y. Supp. 516. The employer must always make reasonable inspections of the surroundings and keep in repair the means and implements of labor. *Baltimore, etc., R. Co. v. Amos*, 20 Ind. App. 378, 49 N. E. 854; *Rincicotti v. O'Brien Contracting Co.*, 77 Conn. 617, 69 L. R. A. 936. And when an employee enters the service of a railway company, he has the right to assume that the company has so constructed and maintained its tracks as to make them reasonably safe for the employees to perform their duties. *Atchison, etc., R. Co. v. Swarts*, 58 Kan. 235, 48 Pac. 953.

It is, of course, the duty of the employee to avoid contributory negligence. But where the employee has no means of foreseeing or anticipating possible injuries from defects attributable to the fault of the employer, there is no contributory negligence. *Foster v. New York, etc., R. Co.*, 187 Mass. 21, 72 N. E. 331. It has been held that a serv-

ant, walking in a place outside the regular passageway which he knew to be obstructed, should have called for a light or felt for the obstruction, and was guilty of contributory negligence in not doing so. *Carbury v. Eastern Nut & Bolt Co.*, 27 R. I. 116, 60 Atl. 773. But where an employee's duty consisted of work on the track over which trains were being run to assist in the work of repairing, it was held that he was not guilty of contributory negligence because he failed constantly to look and listen for the approach of trains. *St. Louis, etc., R. Co v. Jackson*, 78 Ark. 100, 93 S. W. 746.

POISONS—PURCHASE OF OPIUM FOR PERSONAL USE—CONSTITUTIONALITY OF HARRISON NARCOTIC ACT.—The defendant, a physician registered under the Harrison Narcotic Act, was indicted for obtaining opium for his personal use by means of the prescribed forms. A demurrer was filed, denying that an offense was charged under the act, on the ground that the latter is unconstitutional, as a usurpation of the police power of the States, in so far as it departs from the purpose of raising revenue and attempts to make criminal the purchase of opium for personal use. *Held*, the demurrer is sustained. *United States v. Parsons*, 261 Fed. 223. See NOTES, p. 534.

RAILROADS—RELEASE FROM LIABILITY—EFFECT AS TO REMOTE LESSEE.—A contract was entered into between a railroad company and a private corporation whereby the railroad company agreed to construct and maintain a private sidetrack over its right of way for the sole use of the corporation, in consideration of the latter's release of the railroad company from all liability for damages to property of the corporation arising from fires started by the railroad's locomotives. It was specially stipulated that the contract was to be binding upon the successors and assigns of both parties. Certain property was destroyed by fire originating from a locomotive of the railroad company, and the plaintiff corporation, as subtenant of the successors in title, brought an action for damages. *Held*, the release from liability is binding upon the plaintiff. *Keystone Mfg. Co. v. Hines* (W. Va.), 102 S. W. 106.

In an action by the owners of a grain elevator against a railroad company for loss of the building and its contents by fire alleged to have been caused by sparks emitted by the defendant's locomotive, it was held that although there was no lease of the property entered into between the immediate parties, the plaintiffs were bound by the terms of the lease entered into by the plaintiffs' vendor, which provided that the railroad company should not be liable for any damage caused by fire resulting from the operation of its locomotives. *Graves & Hurburgh v. Toledo, etc., R. Co.*, 202 Ill. App. 478. A lease of a warehouse located on a railroad right of way was executed, by which lease the lessee and his assigns were given an option to renew the lease for another term, and the railroad was exonerated from all damages due to fires from its locomotives. During the term, the premises were assigned by the lessee, and the assignee continued in possession a certain length of time after the end of the term before notifying the rail-